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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,240	11/14/2003	Kirby Williams Reese	18244-108780	4992

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EXAMINER	
ADDIE, RAYMOND W	

ART UNIT	PAPER NUMBER
3671	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/715,240	REESE, KIRBY WILLIAMS	
	Examiner	Art Unit	
	Raymond W. Addie	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12/22/03* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/22/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of layers of gabion containers having a plurality of compartments, as claimed in claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Knott, Sr. # 5,860,551.

Knott, Sr. discloses a support component for supporting a bridge, see col.1, lns. 7-15.

Said support component comprising:

At least one gabion container (11, 71) having at least one interior compartment (73-76).

A filler material able to be contained within said at least one interior compartment.

Means (31) for interconnecting a plurality of gabion containers together to form multiple interior compartments (73-76).

In regards to Claim 7 Knott, Sr. clearly discloses at least one gabion container having at least one interior compartment for receiving a filler material. Knott, Sr. further discloses the gabion containers can be used as a bridge abutment, which inherently have a roadway overlying the bridge abutment.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 12 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Knott, Sr. # 5,860,551.

Knott, Sr. discloses a method for constructing a roadway, such as a bridge, comprising the steps of:

Filling a plurality of gabion containers (11) with a filler material.

Connecting a plurality of gabion containers (74, 82) to each other to form at least one layer of interconnected containers (71). Each of said layers (74, 82) of said containers 73-76, 81-84 having a top surface (12).

Although Knott, Sr. does not explicitly recite the step of overlaying at least one panel on the top surface (12) of the gabion layer to form a platform or roadway, Knott, Sr. does explicitly recite the gabion assembly (71) is intended to be used as a bridge abutment; see col. 1, lns. 6-12. Inherently, bridge abutments support bridges having roadways. Therefore, it would have been obvious if not inherent that the method of constructing a roadway of Knott, Sr. includes the step of overlaying a roadway onto the top surface (12) of the assembled bridge abutment assembly (71). See col. 4, lns. 22-col. 5, ln. 13.

Note to Applicant: In regards to Claim 12, the method step of "overlaying one or a plurality of panels on the top surface to form the platform or roadway"; does not limit what constitutes or what is within the scope of "a panel to form a platform or roadway. Hence, any teaching of the prior art with respect to providing a roadway or pathway on a top surface of at least one gabion container, will be seen to disclose or at least teach, the claimed method step.

4. Claims 4, 10, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knott, Sr. # 5,860,551 in view of Webster # 4,797,026.

Knott, Sr. discloses a method and apparatus for forming a bridge abutment, utilizing a plurality of interconnected gabion containers (74, 82) filled with a filler material, such as stone. What Knott, Sr. does not disclose is the use of a wrapper to encapsulate the filler material. However, Webster teaches apparatus and a method for building a roadway over unstable terrain. Said apparatus comprising:

A wrapper (22/40) for encapsulating a filler material (14). Said wrapper consisting of a fabric (40) and a grid (10) of cell-like containers for receiving said filler material.

At least one panel (18) forming a roadway on the top surface of the wrapper (22/40). Said panel being formed of a harden able material and may optionally cover the sides of the wrapper.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the bridge abutment assembly of Knott, Sr. with a

wrapper assembly, as taught by Webster, in order to prevent erosion of the filler material, when the bridge abutment is disposed in waterways and wetlands. See Webster col. 4, ln. 44-col. 5, ln. 54.

In regards to claim 12 Knott, Sr. discloses a method for constructing a roadway support, such as a bridge, comprising the steps of:

Filling a plurality of gabion containers (11) with a filler material.

Connecting a plurality of gabion containers (74, 82) to each other to form at least one layer of interconnected containers (71). Each of said layers (74, 82) of said containers 73-76, 81-84 having a top surface (12).

Thereby forming a bridge abutment.

Although Knott, Sr. does not explicitly recite the step of overlaying at least one panel on the top surface (12) of the gabion layer to form a platform or roadway, Knott, Sr. does explicitly recite the intended use as a bridge abutment; see col. 1, lns. 6-12. Inherently, bridge abutments support bridges having roadways.

Further, Webster teaches a method of building a temporary roadway over unstable terrain, comprising the step of forming a panel of harden able material, such as asphalt or concrete onto a support assembly of cell-like containers filled with a filler material.

Therefore, it would have been obvious to one of ordinary skill in the art, to provide the method of building a bridge abutment of Knott, Sr. with the step of forming a roadway

onto a support grid, as taught by Webster, in order to provide a roadway over unstable terrain, as reasonably suggested by Webster. See col. 4, ln. 44-col. 5, ln. 54.

5. Claims 2-4, 8-11, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knott, Sr. 5,860,551 in view of Taguchi et al. # 5,200,261.

Knott, Sr. discloses a support component for supporting a bridge, see col.1, Ins. 7-15.

Said support component comprising:

At least one gabion container (11, 71) having at least one interior compartment (73-76).

A filler material able to be contained within said at least one interior compartment.

Means (31) for interconnecting a plurality of gabion containers together to form multiple interior compartments (73-76).

What Knott, Sr. does not disclose is the use of buoyant filler materials. However, Taguchi et al. teaches a foamed article (1) encapsulated within a fabric wrapper (unnumbered, see col. 3, Ins. 39-col. 4, ln. 5), for use as a bridge support component, such as is used in a floating pontoon-type bridge.

Said buoyant filler material being in the form of polystyrene foam. The fabric wrapper providing structural support to the buoyant filler material to resists impact related damage. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the bridge support component of Knott, Sr., with a buoyant filler module as taught by Taguchi et al., in order to form a bridge capable of floating on a body of water being traversed. See col. 30-col. 5, ln. 64.

In regards to Claims 13-16 Knott Sr. discloses a method for constructing a roadway, such as a bridge, comprising the steps of:

Filling a plurality of gabion containers (11) with a filler material.

Connecting a plurality of gabion containers (74, 82) to each other to form at least one layer of interconnected containers (71). Each of said layers (74, 82) of said containers 73-76, 81-84 having a top surface (12).

Although Knott, Sr. does not explicitly recite the step of overlaying at least one panel on the top surface (12) of the gabion layer to form a platform or roadway, Knott, Sr. does explicitly recite the gabion assembly (71) is intended to be used as a bridge abutment; see col. 1, lns. 6-12. Obviously, bridge abutments support bridges having roadways. What Knott, Sr. does not disclose is the use of buoyant filler materials. However, Taguchi et al. teaches a method of forming a floating bridge comprising the steps of:

Providing at least one float able bridge support component (1) comprising a foamed polystyrene, encapsulated in a fabric wrapper (unnumbered, see col. 9, ln. 62-col. 10, ln. 49.

Providing a roadway panel on the top surface of the bridge support component to form a pontoon type bridge. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the method of constructing a bridge assembly of Knott, Sr. with the method of providing a buoyant bridge support component, as taught by Taguchi et al., in order to form a float able bridge assembly. See col. 4.

6. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knott, Sr. '551 in view of Webster '756, as applied to claim 12 above, and further in view of Taguchi et al. # 5,200,261.

Knott, Sr. in view of Webster disclose a method of forming a roadway over unstable terrain, utilizing a bridge abutment in the form of a gabion container assembly having a filler material confined within the container assembly. What Knott, Sr. in view of Webster do not disclose the use of buoyant filler material. However, Taguchi et al. teaches it is desirable to utilize a foamed polystyrene encapsulated in a fabric wrapper, to support pontoon-type bridges for use over waterways. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the method of forming a roadway over unstable terrain, of Knott, Sr. in view of Webster, with the method of supporting a bridge with buoyant filler modules, as taught by Taguchi et al., in order to form a bridge over wetlands and marshes that are known to be unstable terrains. See Taguchi et al. Cols. 3-4.

Conclusion

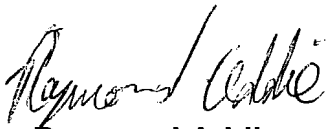
7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Odegaard # 4,197,034 discloses a floating pier. Berger et al. # 4,483,640 discloses a gabion container used as an erosion control device. Wheeler # 5,129,756 discloses a gabion-type container for use as an erosion control device.

Black # US2001/0002968 A1 discloses a gabion-type container dispose able under and thus supporting a roadway (80).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 703 305-0135. The examiner can normally be reached on 8-2, 6-8.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 703 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raymond Addie
Patent Examiner
Group 3600

7/23/04